

Remarks

With entry of this amendment, claims 34, 39, 56, 82, 87, and 109-113 are pending in this application with claims 34, 56, 82, and 109 being independent claims. By the foregoing amendment, claims 35-38, 57-61, 83-86, and 108 are sought to be canceled and claims 34, 56, 82, and 109-113 are sought to be amended. These changes are believed not to introduce new matter and their entry is respectfully requested.

Title

The title stands rejected as not being descriptive of the invention in that it does not reflect that the claimed invention is drawn to a method of regenerating freshwater wetland monocot plants. By the foregoing amendments, the title has been amended to more precisely describe the invention. The applicant respectfully requests withdrawal of this rejection.

Rejection under 35 U.S.C. § 112

Claims 34-39, 56-61, 82-87, and 108-113 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. By the foregoing amendments, claims 35-38, 57-61, 83-86, and 108 have been canceled thereby rendering moot the 112, second paragraph, rejection of those claims. Regarding claims 34, 56, 82, 87, and 109-113, these claims have been amended to insure either 1) that proper antecedent basis exists for elements in the dependent claims, or 2) that correlation exists between the preamble and the last method step. Withdrawal of the 112, second paragraph, rejection is respectfully requested based upon these amendments.

Rejection under 35 U.S.C. § 102(b)

1. Claims 34-38, 56-61, and 82-86 stand rejected under 35 U.S.C. § 102(b) as anticipated by Zimmerman et al. (HortScience, vol. 21(15), pp. 1214-1216, 1986) (Zimmerman).

By the foregoing amendments, claims 35-38 have been canceled and claim 34 has been amended to more clearly define applicant's invention. Claim 34 as amended teaches a method of regenerating a plant including the steps of: 1) providing a sample of the plant; 2) inducing shoot development from the sample; and 3) inducing root development from the sample - the plant, however, is limited to one selected from the group consisting of *Carex*, *Scirpus*, and *Juncus*. In contrast, Zimmerman teaches successful propagation only of *Typha glauca*. Nowhere does Zimmerman teach regeneration of species from *Carex*, *Scirpus*, or *Juncus*. For anticipation under 35 U.S.C. § 102, Zimmerman must teach every aspect of the claimed invention. See MPEP 706.02. Applicant respectfully submits that Zimmerman does not anticipate amended claim 34 because Zimmerman does not teach every aspect of the claimed invention, i.e., regeneration of *Carex*, *Scirpus*, and *Juncus*. Withdrawal of the 102(b) rejection of claim 34 in light of Zimmerman is therefore respectfully requested.

Claims 57-61 have been canceled by the foregoing amendments, and claim 56 has been amended to more clearly define applicant's invention. Claim 56 as amended teaches a method of regenerating a plant selected from the group consisting of *Carex*, *Scirpus*, *Juncus* and *Typha latifolia*. In contrast, Zimmerman teaches successful propagation only of *Typha glauca*. In fact, Zimmerman states that propagation of *T. latifolia* was not satisfactory due to high contamination rates. Zimmerman, p. 1216. Nowhere does Zimmerman teach successful regeneration of species from *Carex*, *Scirpus*, or *Juncus*, nor *T. latifolia*. For anticipation under 35 U.S.C. § 102, Zimmerman must teach every aspect of the claimed invention. See MPEP 706.02. Applicant

respectfully submits that Zimmerman does not anticipate amended claim 56 because Zimmerman does not teach every aspect of the claimed invention, i.e., regeneration of *Carex*, *Scirpus*, *Juncus*, and *T. latifolia*. Withdrawal of the 102(b) rejection of claim 56 in light of Zimmerman is therefore respectfully requested.

By the foregoing amendments, claims 83-86 have been canceled and claim 82 has been amended to more clearly define applicant's invention. Amended claim 82 teaches a method of generating a plant including the steps of: 1) providing a sample of a plant; 2) forming a callus from the sample; 3) inducing shoot development from the callus to form at least one shoot; and 4) inducing root development from the shoot. In contrast, Zimmerman teaches a method of regenerating a plant wherein root development is induced from the callus rather than from the shoot. Thus, Zimmerman does not teach the limitation of inducing root development from the shoot as claimed in claims 82-86. Zimmerman therefore does not anticipate claims 82-86 because Zimmerman does not teach every aspect of the claimed invention, i.e., inducing root development from the shoot. Withdrawal of the 102(b) rejection of claims 82-86 in light of Zimmerman is therefore respectfully requested.

2. Claims 34, 56, 82, and 108 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,477,000 issued to Saxena et al. (Saxena). By the foregoing amendments, claim 108 has been canceled. As discussed above, amended claim 34 is for a method of regenerating a plant selected from the group consisting of *Carex*, *Scirpus*, and *Juncus*. Claim 56 is for a method of regenerating a plant selected from the group consisting of *Carex*, *Scirpus*, *Juncus* and *Typha latifolia*. Claim 82 is for a method of regenerating a freshwater monocot plant. In contrast, the method taught in Saxena was not applied to any freshwater monocot species, but instead was applied to species of peas, beans, geraniums, peanuts, grass peas, chickpeas, and lentil seeds. Saxena, Abstract. Because Saxena does not teach regeneration of any of the freshwater monocot species as taught and claimed by applicant, Saxena does not

anticipate claims 34, 56, or 82. Withdrawal of the 102(b) rejection of these claims in light of Saxena is respectfully requested.

3. Claims 34-37, 56-59, and 82-85 stand rejected under 35 U.S.C. § 102(b) as anticipated by Li et al. (WETLANDS, vol. 16, no. 4, pp. 410-415, 1996) (Li). By the foregoing amendments, claims 34-37, 57-59, and 83-85 have been canceled. As discussed above, claims 56 and 82, are for methods of regenerating species of *Carex*, *Scirpus*, *Juncus* and *Typha*. Li teaches only a method of regenerating species of *Spartina*. Li therefore does not teach every aspect of claims 56 and 82 as required for a 102(b) anticipation rejection. The 102(b) rejection of claims 56 and 82 in light of Li is therefore respectfully requested.

4. Claim 108 stands rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,589,617 issued to Nehra et al. (Nehra). Claim 108 has been canceled by the foregoing amendments thereby rendering this rejection moot.

5. Claims 34-38, 56-60, and 82-87 stand rejected under 35 U.S.C. § 102(a) as anticipated by Sarma et al. (Plant Cell Reports, 1998, 17:656-660) (Sarma). On the Sarma article, applicant (Suzanne Rogers) is a co-author. A rejection under 102(a) requires knowledge or use of the invention by others in the United States. Thus, because applicant is the same person who is an author of the Sarma article, the teachings of Sarma are not by others and Sarma therefore is not a proper 102(a) reference for anticipation purposes. Withdrawal of the 102(a) rejection in light of Sarma et al. therefore is respectfully requested.

6. Claims 34-38, 56-61, and 82-86 stand rejected under 35 U.S.C. § 102(a) as anticipated by Rogers et al. (Plant Cell Reports, 1998, 18:71-75) (Rogers). The same discussion from the previous paragraph applies to this basis for rejection. Namely, applicant is the author of the Rogers reference and therefore the teachings of the reference were not known or used by others as required under 102(a). Withdrawal of the 102(a) rejection in light of Rogers is therefore respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 34-39, 56-61, and 82-87 stand rejected under 35 U.S.C. § 103(a) as being obvious in light of the teachings of Sarma et al. By the foregoing amendments, claims 35-38, 57-61, and 83-86 have been canceled. Applicant respectfully submits that claims 34, 39, 56, 82, and 87, are not obvious in light of Sarma et al. because Sarma is not a proper prior art reference. As discussed above, Rogers is a co-author of Sarma et al., and therefore the teachings in that article are not by another but instead are by the applicant herself. The applicant's own invention, absent a statutory time bar, cannot be used against him or her to defeat the patentability of the invention. Withdrawal of the 103 rejection of claims 34, 39, 56, and 82 is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

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